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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	No. 08-04277 JL
Plaintiff,)	
)	
v.)	SETTLEMENT AGREEMENT
)	
APPROXIMATELY \$62,492 IN UNITED)	
STATES CURRENCY,)	
)	
Defendant.)	

The parties stipulate and agree as follows:

1. Plaintiff is the United States of America ("United States"). Defendant is approximately \$62,492 in United States Currency ("defendant currency"). After proper notification and publication was given, the only person who filed a timely Claim in this action is claimant Patrick Joseph Fischer ("Fischer"). As a result, only claimant Fischer has a right to claim the defendant currency. The United States and claimant Fischer are hereafter referred to as the "parties" in this document which is hereinafter referred to as the "Settlement Agreement" or "Agreement."

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1 2. The parties agree that the resolution of the lawsuit is based solely on the terms
2 stated in this Settlement Agreement. It is expressly understood that this Agreement has been
3 freely and voluntarily entered into by the parties. The parties further agree that there are no
4 express or implied terms or conditions of settlement, whether oral or written, other than those set
5 forth in this Agreement. This Agreement shall not be modified or supplemented except in
6 writing signed by the parties. The parties have entered into this Agreement in lieu of continued
7 protracted litigation and District Court adjudication.

8 3. The parties further agree that this Settlement Agreement does not constitute
9 precedent on any legal issue for any purpose whatsoever, including all administrative
10 proceedings and any lawsuits.

11 4. This settlement is a compromise over disputed issues and does not constitute any
12 admission of wrongdoing or liability by any party.

13 5. The parties have agreed that the United States will return \$9,374 of the defendant
14 currency to Fischer. The return of \$9,374 shall be in full settlement and satisfaction of any and
15 all claims by Fischer, his heirs, representatives and assignees to the defendant currency. Fischer,
16 his heirs, representatives and assignees, shall hold harmless the United States, any and all agents,
17 officers, representatives and employees of same, including all federal, state and local
18 enforcement officers, for any and all acts directly or indirectly related to the seizure of defendant
19 currency and the facts alleged in the Complaint for Forfeiture filed on or about September 10,
20 2008.

21 6. Fischer agrees that sufficient evidence exists to establish forfeiture of the
22 remainder of the defendant currency (\$53,118 plus any accrued interest), pursuant to Title 21,
23 United States Code, Section 881(a)(6), and consents to the forfeiture of the remainder of the
24 defendant currency to the United States without further notice to him. Fischer further
25 relinquishes all right, title and interest in the remainder of the defendant currency, and agrees that
26 said property shall be forfeited to the United States and disposed of according to law by the
27 United States.

28 7. The United States and Claimant agree that each party shall pay its own attorneys'
Settlement Agreement


1 fees and costs.

2 8. Based on the foregoing Settlement Agreement between the United States,
3 claimant Fischer, the Parties agree that, subject to the Court's approval, this action be and hereby
4 is DISMISSED and that the proposed JUDGMENT OF FORFEITURE which is submitted with
5 this Settlement Agreement be entered.

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7 IT IS SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

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10 Dated: November 20, 2008


DAVID COUNTRYMAN
Assistant United States Attorney


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12
13 Dated: November 18, 2008


RANDY SUE POLLOCK
Attorney for Claimant Patrick Fischer

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16 Dated: November 18, 2008


PATRICK FISCHER
Claimant

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20 BASED ON THE FOREGOING STIPULATION, IT IS SO ORDERED ON THIS 26th
21 DAY OF November 2008.

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24 
HONORABLE JAMES LARSON
United States District Judge

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27
28 Settlement Agreement